

FOR MYSORE STATE

Revenue 1953) Department.

Ms. SERIES.

G.O. NO. 1487

closed
2/6/53
Supd
a/s

Dated 28.5.1953.

[Despatch Abstract.]

Public Servants - (South Kanara) Sri K.V.Kunhappa - Retired lower division clerk - Taluk office Mangalore - grant of leave on half average pay preparatory to retirement conversion to leave on full pay - Petition to Government - Orders passed.

16001-16005
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Revenue Department
Subject

KUNHAPPA SRI (K.V.) South Kanara- Ex-Lower division clerk, Taluk Office, Mangalore
Grant of leave on half pay- conversion into L.A.P-petition to the Government-
Submitted.

Ref.No.1

Dated the 12th March, 1953.

Madras.

From

Sri W.R.S. Sattianathan, I.C.S., Commissioner of Land Revenue, Madras.

Sri C.S. Krishnamoorthi, I.A.S., Joint Secretary, Board of Revenue, Madras.

Read:- Petition dated 13-1-53 from Sri K.V. Kunhappa . pp 13-5 w/ 22
Collector of South Kanara AL. 1470/53-1 dt. 10-2-53. p 2 w/ 17-17

Reference:-

Submitted to the Government for consideration and orders.

2. In the ~~connection~~ connection the Board invited the
attention of the Govt. to G.O. 2596 Revenue dated 4-10-51.

R. V. S. Sattianathan
For Joint Secretary

✓ To the Secretary to Government, Revenue Department, Madras with a petition
in original and collector's L. Disposal 3084/52; 20625/52 and 29319/52.
Copy to the Collector of South Kanara.

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BY REGISTERED POST. IN DUPLICATE.

Ref.C.No.A1. 1470/53-1

SOUTH KANARA COLLECTOR'S OFFICE,
Mangalore, dated 10- 2- 1953.

From

Sri. C. A. Ramakrishnan, I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board of Revenue,
Land Revenue, Chepauk, Madras- 5.

Sir,

SUB:- Kunhappa Sri (K.V) - Ex. L.D.C. Taluk Office,
Mangalore - Grant of leave on Half pay - conversion into
L.A.P - Petition to the Government submitted.

REF:- Petition dated 13-1-1953 from Sri.K.V.Kunhappa.

I enclose the petition cited from Sri. K.V. Kunhappa,
Ex-Ex-L.D.C., Taluk Office, Mangalore requesting that the
L.H.P from 19-12-1952 to 14-1-1953 preparatory to retirement
granted in my proceedings L.Dis.29319/52- dated 12-12-1952
may be converted into L.A.P. I also enclose the following
records:-

- (i) L.Dis.3084/52. -
- (ii) L.Dis.20625/52.
- (iii) L.Dis.29319/52.

2. The petitioner was granted L.A.P for 4 months from
5-3-1952 to 4-7-1952 in L.Dis.3084/52 dated 20-2-1952 for the
treatment of his wife's illness and an extension of L.A.P
on Medical Certificate in L.Dis.20625/52 dated 4-10-1952 as
recommended by the medical officer, Government Hospital,
Tellicherry. He rejoined duty on 5-11-1952 and within a month
of his joining duty he applied for L.A.P. preparatory to 21-7-52
retirement. The provisions of G.O.No.406, Fin.dated (21-7-1952)
were made known to him and as he agreed to have L.H.P. / pr 38
it was granted to him.

3. This is a case similar to the one dealt with in
G.O.Ms.No.2596 Rev.dated 4-10-1951 (B.P.Rt. 7140 dated 22-10-51)

Yours faithfully,

FOR COLLECTOR.

kvr/12-2-1953

10/2/53

From

K.V. Kunhappa,
Lower Division Clerk,
Taluk Office, Mangalore (on leave).

To

The Secretary to the Government of Madras,
Finance Department,
M A D R A S.

Through

The Collector of South Kanara.



The humble petition of K.V. Kunhappa, Lower Division clerk, Revenue Department, South Kanara District, submits the following grievances for favour of sympathetic consideration and favourable orders.

That the humble petitioner is to retire from service with effect from 15th January 1953 forenoon and while he was acting as L.D.C., Taluk Office Managalore, he applied for leave on average pay for one month and ten days from 5th December 1952 to 14th January 1953, preparatory to retirement. But, though he was eligible for leave on average pay for one month and 22 days on 5th December 1952, he was granted only leave on half average pay from the date of relief and he was consequently relieved on the afternoon of 18th December 1952 and thereby he was virtually granted L.H.P. for 27 days only.

The Collector of South Kanara had ordered in his Ref. C. No. A2-23319/52, dated 6-12-1952. that the

b 398 (A)

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pp7-80-2

p.t.o.

leave would be granted to the petitioner, under Leave on half pay under the instructions issued in G.O. No.406 dated 21-7-32 and that it is open to the petitioner to apply to Government for modification of Leave on half pay into Leave on average pay. The petitioner is therefore approaching the Government to pass orders converting the leave on half pay into leave on full pay in the special circumstances mentioned below.

The petitioner was on leave on average pay for 4 months without medical certificate from 5-3-52 to 4-7-52 which was extended by another 4 months on medical certificate from 5-7-52. On the expiry of this leave he rejoined duty on 5th November 1952 as his illness was completely cured and recovered his normal health. As the petitioner was to retire from service with effect from 15th January 1953 forenoon he wanted to proceed on leave preparatory to retirement, which (retirement) can no way be postponed unless the Government pass such orders. This fact was ^{definitely} ~~(definitely)~~ stated by the petitioner in his application for the leave agreeably to the concluding sentence in paragraph 2 of G.O. No.406 | pp 14-16 C.G./E) dated 21-7-32 and the spirit of the leave rules have been complied with in petitioner's case.

2. The petitioner further begs to submit that the petitioner would not have applied for leave if the date of his retirement was not so near and the

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Kirkman app. 13.1.53

Public Servants - (South Kanara) - Sri K. V. Kunkappa
Ex. lower division clerk - Taluk Office, Mangalore
grant of leave on half average pay preparatory
to retirement - Conversion into leave on full
pay - Petition

Read: From Sri K. V. Kunkappa petition dt. 18.1.53
From the Bd. of Rev. Ref. W. 1367/53-1 dt. 12.3.53

To U.S.

Please see the petition from Sri K. V. Kunkappa, Retired lower division clerk, Taluk Office, Mangalore, South Kanara dt. 18.1.53, requesting that for the grant of leave on average pay preparatory to retirement from (5) 12.5.52 to 14.1.53, instead of the leave on half average pay granted to him by the Collector for the same period, the petition at pp. The Colr's report on p. 2 C.F. and the Board's reference p. 1 C.F. may also be seen.

2. Sri Kunkappa was

pp. 3-4 C.F. (B) for a period of 8 months (i.e. from 5.3.52 to 4.7.52) without medical certificate and from 5.5.52 to 4.11.52 with medical certificate. After the expiry of the leave he did not rejoin duty on 5.11.52.

pp. 1 of (D) As he was due to retire on 15.1.53, he applied for ~~leave~~ A.P. preparatory to retirement for the period from 5.12.52 to 14.1.53. In view of the

pp. 14-16 C.F. (E) orders in 430 N.D. in dated 11.1.53, the Collector

pp. 7-8 C.F. (D) granted him only leave on half average pay with effect from the date of his relief 1.11.52

pp. 3-4 C.F. (D) 14.1.53 and directed him to apply to Govt. for treating the period as leave on

pp. 3-5 C.F. average pay. He has accordingly come up to the Govt. with the request to grant him the leave on average pay for the period from 5.12.52 to 14.1.53.

pp. 1-2 C.F. Colr. and the Bd. of Rev. have, in this connection

invited to a similar case disposed of in G.O. No 2596
Rev. dated 4.10.51. Attention is in this connection
invited to the Secretary's remarks at X on
tag (A). The present case seems to be on a par
with the one disposed of in the above G.O. where the
candidate was allowed to it was considered that
a second spell of leave of the of the candidate
was one preparatory to retirement and which was
the last leave that he was going to avail
himself and the provisions of the G.O. No 406 Fin dated
21.7.32 were released in his favour and so as
to enable him to be paid leave on average
pay preparatory to retirement instead
of the leave on half average pay granted
in the Collr. for the same period. In the

above case this Dept. suggested that general orders may
be issued that the provisions of G.O. No 406 Fin dated
21.7.32 do not apply to cases where the second spell
of leave is leave preparatory to retirement. But this
suggestion was opposed by Finance and was not
accepted finally in circulation. Fin. however agreed that
to similar cases may be examined on merits as
and when they were received. In view of the fact
that the present case is similar to the one referred
to above it is for orders whether the petitioner also may
be granted leave on average pay preparatory
to retirement from 19.12.52 to 14.1.53 instead of
leave on half average as granted by the
Collector. Finance may see for remarks before circulation.

pp 9 NF / (A)
pp 14.16 NF / (C)
pp 11.13 NF / (A)
A on p 10 NF / (E)

Fin. Enqd this case
in G.O. 2596 Rev. d 4.10.51
as a special case
because the petitioner that
case was a low paid
subordinate. P. S. Ton
p. 13 nf of (A). He
was actually an U.D.
clerk. The present
petitioner an S.D. clerk
the same concession may
be granted

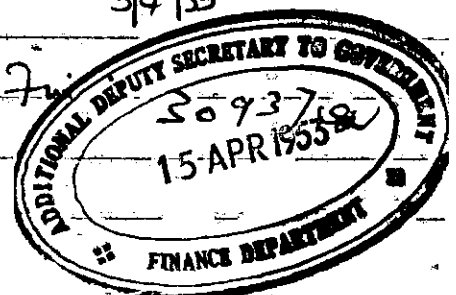
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3/4/53

Rev. No 235812/53-1
14.4.53

11/4/53 8/7



The notes from p.1 above may be perused.
 Sri Kunhappa, Lower Division Clerk, ^{Taluk office, Mangalore,} was on leave on average pay for four months from 5-3-1952 to 4-7-1952, and was granted extension of leave on average pay on medical certificate for 4 months in continuation thereof. He joined duty on 5-11-1952 and ^{again} applied for leave on average pay preparatory to retirement. He was granted ^{with reference to the instructions in} G.O. No.406, Finance, dated 21-7-1952, leave on ^{half} average pay from 19-12-1952 to 14-1-1953 preparatory to retirement, even though he was eligible for leave on average pay for the above period. The clerk has requested that the leave preparatory to retirement may be ^{converted} ~~revised~~ into leave on average pay. In view of the precedent at (A), Revenue propose to concede his request.

Amp 2 at

para 2 imp 2. cf
 and p. 10 of y (A)

p 133 of
 BIL no 154

In the precedent cited, Sri Gopalachari was first on leave on average pay for 4 months from 19-8-49 to 18-12-1949 and was granted leave on average pay again from 6-1-1950 to 4-3-1950 preparatory to retirement. On the other hand, Sri Kunhappa had already availed himself of leave on average pay for 8 months under the proviso to F.R.81(b)(ii), and had been rightly granted leave on half average pay for the period from 19-12-1952, after an interval of duty of 18 days which is far short of ^{the} 3 months' interval prescribed in G.O. No.406, Finance, dated 21-7-1952. ^{In view of the instruction in Mangalore G.O.} ~~For all practical purposes~~, he should be deemed to have been on leave preparatory to retirement from 5-3-1952 ^{continuously, spanning} and the period of his duty for 18 days between the two spells of leave, ~~should~~

~~the evasion of the rules on his part.~~ The precedent is not, therefore, applicable to this case. The request may be turned down. If, however, Revenue wish to press their proposal, they may be requested to take orders in circulation including the Minister for Finance.

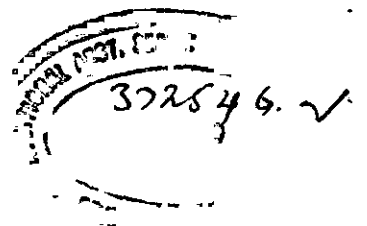
FW
27/4/53

by 24/4/53:- The difference between the two cases is that in the previous Revenue case leave on average pay for 4 months was taken in the first instance and a further period of leave on average for about two months was applied for subsequently on leave for proportionate retirement, with an interval of 19 days between the two spells of leave; while in the present case, the max^m period of leave on average (8 months) pay that could be taken at a time including leave on med. certificate had been taken in the first instance and leave on average pay for ~~for about 2 months~~ proportionate retirement was applied for after an interval of 18 days. The concession proposed in this case is therefore a larger one than that sanctioned in the precedent. If Rev. wish to press their proposal on the form mentioned at 'A' on p 2 above, they may take orders in circulation including then AT (FW)

FW
27/4/53

Rev

FW 30937 CSR.1
27.4.53



Re. Dept.

Please see the notes on pp 1-4 under In view of the fact that the present case was similar to the one disposed of in I.O.Ms. No 2596 Rev. dt. 4.10.51 as the concession given in that case was based on the ground that the petitioner was a low paid servant / this dept. proposed to extend the same concession to the petitioner in the present case by granting him leave on average pay preparatory to retirement from 19.12.52 to 14.1.53 as he is also a low paid subordinate being only a lower division clerk. For the reasons stated non-judicially Finance do not agree to the proposal of this Dept. & British view of A.I.M. page 2 under it is for order whether this Dept. may press for the acceptance of the proposal of this Dept to grant leave on average pay preparatory to retirement from 19.12.52 to 14.1.53 instead of leave on half average pay granted by the collector. If so the file may be circulated to H.C.R. and MCFW for approval of the proposal.

R. Krishnan - Randall
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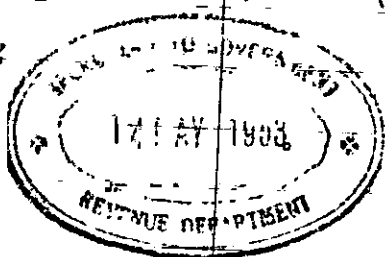
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W. A. Zimmerman

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29-11/5/53



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13.5.53

To US.

Orders in circulation at the bottom of page 5 anti. A draft order is submitted for approval. Fin may see before issue

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15.5.53

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~~RRK~~
RK
16/5/53

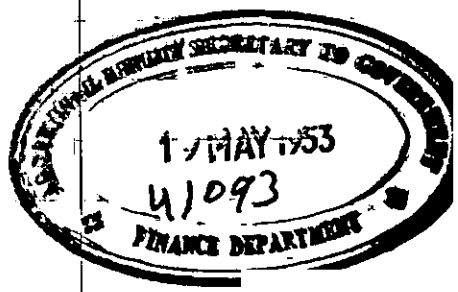
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17/5/53

Rev 235813/53
18.5.53

(Pm: finance note on pp 3-4 above)

The summarizing note and the orders in ① ~ on p 5 above and the draft order below may be perused and the case returned to Revenue.



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21/5/53

Rev Pm

Rev Dept.

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To U.S.

Notes above. The draft order below may now issue.

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